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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,334	08/29/2001	Yoshiharu Tenmyo	B984-056	5841

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NEW YORK, NY 10017

EXAMINER

PHINNEY, JASON R

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,334

Applicant(s)

TENMYO, YOSHIHARU

Examiner

Jason Phinney

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-10, and 12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,011,929 to Fuke.

Regarding Claim 1, Fuke discloses a light-emitting device with an emission unit including at least an arc tube (Figure 4, #3) being elongated in a longitudinal direction thereof, the arc tube having opposite ends in the longitudinal direction thereof, and a reflection umbrella (#2); and a light-permeable optical unit (#'s 10 and 11) arranged in front of the emission unit at a side thereof closer to a subject in a manner such that a relative distance between the optical unit and the emission unit is variable (see Figure 5 which shows that the arc lamp moves relative to the optical unit), the optical unit having reflection surfaces (#11a) for reflecting luminous fluxes

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emitted from the emission unit toward the subject, the reflection surfaces being located at locations corresponding to the opposite ends of the arc tube in the longitudinal direction thereof.

Regarding Claim 2, Fuke further discloses that the optical unit should have a plurality of cylindrical lenses (#10a) formed at a central portion thereof and arranged in parallel with the longitudinal direction of the arc tube.

Regarding Claim 3, Fuke further discloses that the reflection surfaces of the optical unit should be disposed such that they do not reflect the luminous fluxes when the optical unit is close to the emission unit but reflect the luminous fluxes when the optical unit is apart from the emission unit (See Figure 12 and Column 2, Lines 15-67).

Regarding Claim 4, Fuke further discloses that the emission unit could comprise a light refracting section (#10b and Column 2, Lines 58-67) provided at a central portion thereof for refracting light from the arc tube and projecting the light to the subject, the light refracting section having opposite sides, and an optical member having a reflecting section (#11a) for totally reflecting light from the arc tube to the opposite sides of the light reflecting section and projecting the light to the subject.

Regarding Claim 6, Fuke further discloses a camera having the light-emitting device claimed (Column 7, Lines 9-17).

Regarding Claim 7, Fuke discloses a light-emitting device with an emission unit including at least an arc tube (Figure 4, #3) being elongated in a longitudinal direction thereof, the arc tube having opposite ends in the longitudinal direction thereof, and a reflection umbrella (#2); and a light-permeable optical unit (#'s 10 and 11) arranged in front of the emission unit at a

side thereof closer to a subject in a manner such that a relative distance between the optical unit and the emission unit is variable (see Figure 5 which shows that the arc lamp moves relative to the optical unit), the optical unit including a plurality of light refracting sections (#10a and 10b) provided at a central portion thereof and arranged in parallel with the longitudinal direction of the arc tube, the light refracting sections having opposite sides in a longitudinal direction thereof, and reflection surfaces (#11a) provided at the opposite sides in the longitudinal direction of the light refracting sections for reflecting luminous fluxes emitted from the emission unit toward a subject.

Regarding Claim 8, Fuke further discloses that the light refracting sections should comprise cylindrical lenses (#10a).

Regarding Claim 9, Fuke further discloses that the reflection surfaces of the optical unit should be disposed such that they do not reflect the luminous fluxes when the optical unit is close to the emission unit but reflect the luminous fluxes when the optical unit is apart from the emission unit (See Figure 12 and Column 2, Lines 15-67).

Regarding Claim 10, Fuke further discloses that the emission unit should comprise a light refracting section (#10a) provided at a central portion thereof for refracting light from the arc tube and projecting the light to the subject, the light refracting section having opposite sides, and an optical member having a reflecting section (#11a) for totally reflecting light from the arc tube to the opposite sides of the light reflecting section and projecting the light to the subject.

Regarding Claim 12, Fuke further discloses a camera having the light-emitting device claimed (Column 7, Lines 9-17).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 6,011,929 to Fuke in view of U.S. Patent No. 6,404,988 to Tanabe.

Fuke discloses the light-emitting device of Claims 1 and 7 respectively.

Regarding Claims 5 and 11, Fuke fails to exemplify that the optical unit should include prism sections having prism surfaces and projecting from the optical unit toward the arc tube, and wherein the reflection surfaces are the prism surfaces of the prism sections.

Tanabe in an alternate light-emitting device teaches that the optical unit should include prism sections (Figure 7, #50) having prism surfaces (#'s 80 and 81) and projecting from the optical unit toward the arc tube, and wherein the reflection surfaces are the prism surfaces of the prism sections in order to easily redirect the light emitted from the arc tube.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the prisms taught by Tanabe for the Optical element of Fuke in order to easily redirect the light emitted from the arc tube.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Phinney whose telephone number is (703) 305-3999. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JP

June 12, 2003

Kenneth J. Ramsey

**KENNETH J. RAMSEY
PRIMARY EXAMINER**